

DECLARATION OF EMERGENCY**Department of Environmental Quality
Office of Environmental Assessment****Postponement of Permit Deadline for Oil and Gas Construction Activities
(LAC 33:IX.2511) (WQ060E)**

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, which allow the Department of Environmental Quality to use emergency procedures to establish rules, and of R. S. 30:2011 and 2074, which allow the department to establish standards, guidelines, and criteria, to promulgate rules and regulations, and to issue compliance schedules, the secretary of the department hereby declares that an emergency action is necessary in order to implement the March 9, 2005, Environmental Protection Agency (EPA) rule to postpone until June 12, 2006, the permit authorization deadline for National Pollutant Discharge Elimination System (NPDES) storm water permits for oil and gas related construction activity that disturbs one to five acres of land. This is the second postponement promulgated by EPA for these activities. Within six months of that action, EPA intends to publish a notice of proposed rulemaking in the *Federal Register* for addressing these discharges and to invite public comments.

This Emergency Rule will allow operators at construction sites related to oil and gas exploration, production, processing, or treatment operations, or transmission facilities that disturb equal to or greater than one acre and less than five acres of land to legally conduct those construction activities without being permitted until the regulations found at LAC 33:IX.2511 can be revised to incorporate the new June 12, 2006, federal permit authorization deadline for those construction activities. The Department of Environmental Quality, Office of Environmental Services (successor to the former Office of Water Resources) became the NPDES permit issuing authority for the State of Louisiana on August 27, 1996. An emergency rule is necessary for the Louisiana Pollutant Discharge Elimination System (LPDES) program to be consistent with the EPA NPDES program. Accordingly, the department adopts the following emergency rule.

This Emergency Rule is effective on March 10, 2005, and shall remain in effect for a maximum of 120 days or until a final rule is promulgated, whichever occurs first. For more information concerning WQ060E you may contact the Regulation Development Section at (225) 219-3550.

Adopted this 10th day of March, 2005.

Mike D. McDaniel, Ph.D.
Secretary

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality

Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program

Chapter 25. Permit Application and Special LPDES Program Requirements

§2511. Storm Water Discharges

A. - E.7.c. ...

8. Any storm water discharge associated with small construction activity identified in Subparagraph B.15.a of this Section, other than discharges associated with small construction activity at oil and gas exploration, production, process, and treatment operations or transmission facilities, requires permit authorization by March 10, 2003, unless designated for coverage before then. Discharges associated with small construction activity at such oil and gas sites require permit authorization by June 12, 2006~~March 10, 2005~~.

E.9 - G.4.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074.B.(3) and B.(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:957 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2273 (October 2000), LR 26:2552 (November 2000), repromulgated LR 27:40 (January 2001), amended LR 28:467 (March 2002), LR 29:701 (May 2003), repromulgated LR 30:230 (February 2004), amended by the Office of Environmental Assessment, LR 31: